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EXAMINER	
BOUTAH, ALINA A	

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2143	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/077,520	RYAN, FINTAN	
	Examiner	Art Unit	
	Alina N. Boutah	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-72* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-72* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse in the reply filed on February 1, 2007 is acknowledged. The traversal is found persuasive therefore the restriction requirement is now withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-5, 7-18, 23-56, 60-66, 68, 69 and 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,785,706 issued to Horman in view of US Pub. No. 2002/0124061 submitted by Mossman.

Regarding claim 1, Horman teaches a method for generating a batch configuration document for an intelligent device, the method comprising:

accessing a plurality of configuration files of the intelligent device, wherein each of the one or more configuration files includes configuration information for one of a plurality of software components of the intelligent device (abstract; col. 1, line 66 to col. 2, line 6); and

generating the batch configuration document from the plurality of configuration files, wherein the batch configuration document includes the configuration information for the plurality of software components of the intelligent device (col. 5, lines 43-55);

wherein, after said generating, the batch configuration document is accessible for use in configuring the plurality of software components of the intelligent device whose configuration files were used in said generating the batch configuration document (col. 5, lines 43-55; lines 64 to col. 6, lines 5).

However, Horman does not explicitly teach the configuration files being accessed on the intelligent device itself. Mossman teaches accessing configuration files on an intelligent device (abstract; figure 5). At the time the invention was made, one of ordinary skill in the art would have been motivated to access configuration files on an intelligent device in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use [0005].

Regarding claim 2, Horman teaches the method as recited in claim 1, wherein said accessing the plurality of configuration files and said generating the batch configuration document are performed by executing a script on the intelligent device, wherein the script includes one or more executable instructions for selecting the plurality of configuration files to be accessed and one or more executable instructions for performing said generating the batch configuration document (abstract; col. 1, line 66 to col. 2, line 6; figure 1).

Regarding claim 3, Horman teaches the method as recited in claim 1, further comprising, prior to said accessing the plurality of configuration files, configuring the plurality of software components of the intelligent device, wherein said configuring the plurality of software components sets the configuration information in the plurality of configuration files (col. 1, line 66 to col. 2, line 6).

Regarding claim 4, Horman teaches the method as recited in claim 1, further comprising transferring the batch configuration document to another intelligent device for use in configuring one or more software components of the other intelligent device (col. 2, lines 28-41).

Regarding claim 5, Horman teaches the method as recited in claim 1, wherein the batch configuration document further includes configuration information for one or more software components of one or more other intelligent devices (abstract; col. 1, line 66 to col. 2, line 6; figure 1).

Regarding claim 7, Horman teaches the method as recited in claim 1, further comprising configuring one or more of the plurality of software components of the intelligent device using the batch configuration document, wherein said configuring comprises applying the configuration information from the batch configuration document to one or more of the plurality of configuration files, wherein each of the one or more of

the plurality of configuration files is associated with one of the one or more of the plurality of software components of the intelligent device (col. 5, lines 43-55; lines 64 to col. 6, lines 5).

Regarding claim 8, Horman teaches the method as recited in claim 7, wherein said configuring the one or more of the plurality of software components of the intelligent device further comprises initializing each of the one or more of the plurality of software components, wherein said initializing uses the configuration information from the one or more configuration files associated with the particular component (col. 7, lines 32-36).

Regarding claim 9, Horman teaches the method as recited in claim 1, wherein the plurality of software components includes software application programs (col. 3, lines 6-21).

Regarding claim 10, Horman teaches the method as recited in claim 1, wherein the plurality of software components includes system software components (col. 1, line 60 to col. 2, line 6).

Regarding claim 11, Horman teaches the method as recited in claim 1, wherein the plurality of software components includes software drivers for hardware components (col. 6, line 57 - col. 7, line 2).

Regarding claim 12, Horman teaches the method as recited in claim 1, wherein at least one of the plurality of configuration files includes operating system configuration information for the intelligent device (col. 6, line 57-col. 7, line 2).

Regarding claim 13, Mossman teaches the method as recited in claim 1, wherein the batch configuration document is a markup language document [0091].

Regarding claim 14, Mossman teaches the method as recited in claim 13, wherein the markup language is eXtensible Markup Language (XML) [0091].

Regarding claim 15, Mossman teaches the method as recited in claim 1, wherein the batch configuration document and the plurality of configuration files conform to an eXtensible Markup Language (XML) Document Type Definition (DTD) [0091].

Claim 16 is similar to claim 1, therefore is rejected under the same rationale.

Regarding claim 17, Horman teaches the method as recited in claim 16, wherein said applying the configuration information from the batch configuration document to each of the one or more configuration files comprises replacing one or more current parameter values in the particular configuration file with new parameter values from the batch configuration document (col. 2, lines 50-65).

Regarding claim 18, Horman teaches the method as recited in claim 16, wherein said accessing and said applying are performed by executing a script on the intelligent device, wherein the script includes one or more executable instructions for accessing the batch configuration document and one or more executable instructions for selecting the one or more configuration files to be configured (col. 2, lines 50-65).

Claims 23-29 are similar to claims 9-15, respectively, therefore are also rejected under the same rationale.

Regarding claim 30, Mossman teaches the method as recited in claim 16, further comprising rebooting the intelligent device after said applying the configuration information from the batch configuration document to the one or more configuration files, wherein said rebooting applies the configuration information from the one or more configuration files to one or more of the plurality of software components of the intelligent device [0153].

Regarding claim 31, Mossman teaches the method as recited in claim 16, further comprising initializing one or more of the plurality of software components of the intelligent device after said applying the configuration information from the batch configuration document to the one or more configuration files, wherein, in said initializing, each of the one or more of the plurality of software components is initialized using the configuration information from each of the one or more configuration files associated with the particular component [0108].

Regarding claim 32, Horman teaches the method as recited in claim 16, further comprising generating the batch configuration document on a different intelligent device prior to said accessing (col. 8, lines 45-55).

Claim 33 is similar to claim 1, therefore is rejected under the same rationale.

Regarding claim 34, Homan teaches the method as recited in claim 33, wherein said configuring comprises applying configuration information from the batch configuration document generated on the first intelligent device to one or more configuration files on the second device, wherein each of the one or more configuration files on the second intelligent device is associated with one of the one or more software components of the second intelligent device (abstract; col. 1, line 66 to col. 2, line 6).

Claims 35-37 are similar to claims 13, 15, and 11, respectively, therefore are rejected under the same rationale.

Regarding claim 38, Homan teaches the method as recited in claim 33, wherein at least one of the plurality of configuration files on the first intelligent device includes operating system configuration information for the first intelligent device, wherein the batch configuration document includes the operating system configuration information, and wherein said configuring the one or more software components of the second intelligent device comprises configuring an operating system of the second intelligent device using the operating system configuration information of the first intelligent device from the batch configuration document (abstract; col. 1, line 66 to col. 2, line 6).

Regarding claim 39, Horman teaches the method as recited in claim 33, further comprising rebooting the second intelligent device after said configuring, wherein said rebooting applies the configuration information from the batch configuration document to the one or more software components of the second intelligent device (abstract; col. 1, line 66 to col. 2, line 6).

Regarding claim 40, Horman teaches the method as recited in claim 33, further comprising: storing the generated batch configuration document on a server, wherein the server is coupled to the second intelligent device via a network (col. 1, line 60 to col. 2,

line 6); and downloading the stored batch configuration document to the second intelligent device (col. 6, lines 6-17); wherein said configuring the one or more software components of the second intelligent device uses the downloaded batch configuration document (col. 8, lines 45-51).

Claim 41 is similar to claim 1 therefore is rejected under the same rationale. However, claim 41 further recites accessing on or more configuration files on each of the plurality of intelligent devices and the batch configuration document is accessible for use in configuring the plurality of intelligent devices whose configuration files were used in said generating the batch configuration document. Horman teaches these limitations in the abstract, and col. 5, lines 43-55.

Regarding claim 42, Horman teaches the method as recited in claim 41, wherein the batch configuration document is further accessible for use in configuring other pluralities of intelligent devices (abstract).

Claims 43 and 44 are similar to claims 3 and 4, therefore are rejected under the same rationale.

Claims 45-47 are similar to claims 12, 13, and 15, respectively, therefore are rejected under the same rationale.

Claims 48-55 are similar to claims 41-47, therefore are rejected under the same rationale.

Regarding claim 56, Horman teaches an intelligent device, comprising:

a processor (inherent in figure 4);

a plurality of software components; a plurality of configuration files, wherein each of the plurality of configuration files is associated with one of the plurality of software components, and wherein each of the plurality of configuration files includes configuration information for its associated component (abstract; col. 1, line 66 to col. 2, line 6); and

a memory operable to store program instructions, wherein the program instructions are executable by the processor to:

open a batch configuration document, wherein the batch configuration document comprises configuration information for the plurality of software components of the intelligent device (figure 5A); and

apply the configuration information from the batch configuration document to the plurality of configuration files of the intelligent device (figure 5A).

However, Horman does not explicitly teach the configuration files being accessed on the intelligent device itself. Mossman teaches accessing configuration files on an intelligent device (abstract; figure 5). At the time the invention was made, one of ordinary skill in the art would have been motivated to access configuration files on an intelligent

device in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use [0005].

Claims 60-65 are similar to claims 44, 45, 46, 47, 30, and 31, respectively, therefore are rejected under the same rationale.

Claims 66, 68 and 69 are similar to claims 1, 16 and 15, respectively, therefore are rejected under the same rationale.

Claims 70 and 72 are similar to claims 41 and 47, respectively, therefore are rejected under the same rationale.

Claims 6, 19-22, 57-59, 67 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horman in view of Mossman, in further view of US Pub No. 2003/0014479 submitted by Shafron et al. (hereinafter Shafron).

Regarding claims 6 and 19, Horman-Mossman combination fails to explicitly teach generating the batch configuration document comprises generating a Document Object Model (DOM) tree from each of the accessed configuration files, wherein the

configuration information incorporated in the configuration document is accessed from the DOM trees generated from the plurality of configuration files. Shafron teaches generating the batch configuration document comprises generating a Document Object Model (DOM) tree from each of the accessed configuration files, wherein the configuration information incorporated in the configuration document is accessed from the DOM trees generated from the plurality of configuration files [0005; 0032; 0052]. At the time the invention was made, one of ordinary skill in the art would have been motivated to generate a DOM tree because DOM allows programs and scripts to access and update the content, structure, and style of documents dynamically.

Regarding claim 20, Shafron teaches the method as recited in claim 19, wherein said applying the configuration information of the one or more configuration files comprises accessing the configuration information from the DOM tree generated from the batch configuration document [0005; 0032; 0051].

Regarding claim 21, Shafron teaches the method as recited in claim 16, wherein said accessing the batch configuration document comprises generating a Document Object Model (DOM) tree for each of the one or more configuration files from the configuration information in the batch configuration document, wherein each of the generated DOM trees comprises the configuration information for its associated configuration file [0005; 0032; 0051].

Regarding claim 22, Shafron teaches the method as recited in claim 21, wherein, said applying the configuration information comprises: for each of one or more of the plurality of software components of the intelligent device: calling a module associated with the component; passing a DOM tree generated from one of the one or more configuration files to the called module, wherein the configuration file is associated with the component, and wherein the DOM tree includes configuration information for the component; and the called module applying the configuration information from the DOM tree to the configuration file associated with the component [0005; 0032; 0051].

Regarding claim 57, 67 and 71, Shafron teaches the intelligent device as recited in claim 56, wherein the program instructions are further executable by the processor to: generate a Document Object Model (DOM) tree from the batch configuration document, wherein the DOM tree includes the configuration information for the plurality of configuration files; and wherein, in said applying the configuration information to the plurality of configuration files, the program instructions are further executable by the processor to access the configuration information from the DOM tree generated from the batch configuration document [0005; 0032; 0051].

Regarding claim 58, Shafron teaches the intelligent device as recited in claim 56, wherein, in said accessing the batch configuration document, the program instructions are further executable by the processor to: generate a Document Object Model (DOM) tree for each of the plurality of configuration files from the configuration information in the

batch configuration document, wherein each of the generated DOM trees comprises the configuration information for its associated configuration file; wherein the intelligent device further comprises a plurality of executable modules each associated with one of the plurality of software components, wherein each of the plurality of executable modules is operable to apply configuration information to the particular one of the plurality of configuration files associated with the component associated with the executable module [0005; 0032; 0051].

Regarding claim 59, Shafron teaches the intelligent device as recited in claim 56, wherein, in said applying the configuration information to the plurality of configuration files, the program instructions are further executable by the processor to: for each of the plurality of software components of the intelligent device: call one of the plurality of modules, wherein the called module is associated with the component; and pass a DOM tree generated from one of the plurality of configuration files to the called module, wherein the configuration file is associated with the component, and wherein the DOM tree includes configuration information for the component; and wherein the called module is operable to apply the configuration information from the DOM tree to the configuration file associated with the component [0005; 0032; 0051].

Response to Arguments

Applicant's arguments filed June 19, 2006 have been fully considered but they are not persuasive.

In response to Applicant's argument that Horman in view of Mossman fails to teach "accessing a plurality of configuration files on the intelligent device, wherein each of the one or more configuration files includes configuration information for one of a plurality of software components of the intelligent device," the PTO respectfully disagrees and submits that this is being taught by the cited reference.

Applicant is reminded that the rejection is based on two references combined. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the Examiner clearly pointed out that Mossman, not Horman, teaches the configuration files being accessed on the intelligent device itself (see rejection above).

Horman teaches the configuration file including configuration information for one or a plurality of software component. Horman teaches a control server that changes the configuration of administered servers (abstract). The configuration of the administered server is interpreted as the configuration file of the intelligent device as claimed. Col. 5, lines 22-32, for example, define what is in the configuration file. In this case, it is referred to the end-user application. It is well known in the computing art that an end-user application comprises software components.

In response to Applicant's argument that Mossman does not overcome the deficiency of Horman in teaching "accessing a plurality of configuration files on the intelligent device," the PTO respectfully disagrees and respectfully submits that Mossman does teach this limitation. As illustrated by Applicant in the remark, page 3,

data is collected from the user and stored on the server. In order to collect the data from the user, it must be accessible to the server.

In response to Applicant's argument that Horman in view of Mossman fails to teach "generating a batch configuration documents from the plurality of configuration files, wherein the batch configuration document includes the configuration information for the plurality of software components of the intelligent device," the PTO respectfully disagrees and submits that this is being taught by Horman. Col. 5, lines 43-55, for example, teaches generating a batch file that is specific to a group. The batch file includes the end-user application as well as database definition. As explained above, the end-user application comprises software component, as well known in the art.

In response to Applicant's argument that Horman in view of Mossman fails to teach "the batch configuration document for configuring a plurality of software components of an intelligent device whose configuration files were used in generating the batch configuration document," as discussed above, Horman teaches a group batch that includes components of an intelligent device. The control server synchronizes each of the group batches by the creation of parameterized synchronization scripts. In other words, when the synchronization script is executed, the software component of the intelligent device is changed.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The cited arts support the differences between claim 1 and 41. See above rejection and above explanation.

The scope of claim 1 and claim 16 are not different. Horman teaches generating a batch configuration document from the plurality of configuration files on an intelligent device, and then using the batch configuration document to configure software components of the intelligent device as cited above. Applicant argues that the scope of claim 1 differs from claim 16. However, Applicant fails to point out the difference between the two claims. Therefore, the argument is not persuasive. This also applies to claims 68 and 70.

Regarding claim 33, Horman in view of Mossman teaches generating a batch configuration document from a plurality of configuration files on a first intelligent device and configuring one or more software components of a second intelligent device using the batch configuration document generated on the first intelligent device. As explained above, the control server creates a synchronization script. The synchronization script is used to configure the administered servers.

Regarding claim 48, although it is not identical to claim 1, it is known in the art that any intelligent device, such as a computer, comprises a processor, memory, software, etc. Although not explicitly taught, these features are inherent in Horman's administered servers.

Regarding claim 8, it is well known in the art that in order to execute a software, it must be initialized.

Regarding claim 13, Mossman teaches configuration files being in XML format. The use of batch files have been known in the art. It being a mark up language is a matter of design choice. Therefore, although not explicitly taught, this feature is obvious in the art.

Regarding claim 30, it is well known in the computer art that in order for any change or configuration to take place, the computer must be rebooted.

Regarding claim 6, by definition, DOM a platform and language-neutral interface that will allow programs and scripts to dynamically access and update the content, structure and style documents. The combined references teach scripts that update content of software on intelligent devices. As suggested by Shafron, one of ordinary skill in the art would employ a DOM as a matter of design choice [0032]. This argument also applies to the rejection of claims 67 and 71.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alina N. Boutah whose telephone number is 571-272-3908. The examiner can normally be reached on Monday-Friday (9:00 am - 5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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